APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,457	04/30/2001	Jonathan C. Salas	MOON-P008	3019

38396	7590	12/28/2005

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EXAMINER
SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/845,457	SALAS ET AL.
	Examiner	**Art Unit**	
	Mohammad A. Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/06/2005*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-19 are presented for examination.

2.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final

rejection. Since this application is eligible for continued examination under

37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid,

the finality of the previous Office action has been withdrawn pursuant to 37

CFR 1.114. Applicant's submission filed on 10/06/2005 has been entered.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by
> another filed in the United States before the invention thereof by the applicant for patent,
> or on an international application by another who has fulfilled the requirements of
> paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by
> the applicant for patent.

4.   Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated

by Patel et al. (6,918,113) (hereinafter Patel).

5.   As per claim 1, Patel discloses An apparatus comprising:

a client coupled to a plurality of resources and computing tasks

(conversion of an application takes place at ASP, col 6, lines 14-27) on

application servers (col 6, lines 38-44) located on a network (elements of fig

17, col 6, lines 6-12);

a system in which software applications resides on application servers

(101-112, fig 1) and clients share and access the applications executing on

application servers via network (client can share subscribing and

unsubscribing application running on server, col 8, lines 35–56; col 25, lines

33-49); and

a system to control client access to said plurality of resources and

computing tasks on servers (system controls access of resources via

subscription and license server, col 8, lines 35-67), the system including

a database to store (102, fig 1, col 9, lines 50-67) at least one policy

criteria associated with a user (licensing policy, col 9, lines 50-67);

a license manager to generate token (col 8, lines 57-67) according to

an allocated access session (col 8, lines 57-67; col 9, lines 1-9) based on

said at least one policy criteria associated with the user (col 8, lines 57-67;

col 9, lines 1-9; lines 50-67); and

an application server based token monitor (the App server and the

monitor server col 9, lines 9-34) to initiate and terminate access of server

resources (Access token includes expiration time, col 9, lines 1-34) and

application server computing task according to said token (Access token, col

9, lines 1-34).

6.   As per claim 11, The claim is rejected for the same reasons as claim 1,

above. In addition, Patel discloses creating one or more application server

resource and/or application server computing tasks access sessions (Access

token lets client connect to Application server, col 9, lines 9-28) by a system

administrator (col 3, lines 29-65),

wherein said one or more application server resource and/or

application server computing tasks (col 9, lines 9-28) access sessions are

assigned to a specific user and stored on a database (col 8, lines 33-67; col

9, lines 50-67,),

verifying a user resource request (subscription server, col 8, lines 35-

56; line 57-67) from the specific user against associated assigned

application server resource (subscription server, col 8, lines 35-56; line 57-

67) and/or application server computing tasks access sessions by a license

manager (license server validates the user and subscription, col 8, lines 35-

56; line 57-67), and

generating a token corresponding to said application server resource

and/or application server computing tasks access sessions for the specific

user by said license manager (Access token, col 8, lines 35-56; line 57-67),

wherein the token enables through a an application server based token

manager (Access token lets client connect to Application server, col 8, lines

33-67; col 9, lines 9-28) the specific user to initiate access of application

server resources sessions (Access token lets client connect to Application

server, col 9, lines 9-28) and/or computing tasks executing on an server as

well as terminate access of application server resource and/or computing

tasks executing on an application server on the distributed (col 354, liens

38-46) computing system network (Access token includes expiration time,

col 9, lines 9-28).

7.   As per claim 2, Patel discloses the allocated access session is based on

said at least one policy criteria associated with said plurality of resource

(policy is associated with software, col 5,lines 9-28).

8.   As per claim 3, Patel discloses the at least one policy criteria includes a

combination of different policy criterion (col 9, lines 50-67).

9.   As per claim 4, Patel discloses said allocated access session is

associated with the user (Access token is associated with user, col 9, lines 1-

29).

10.   As per claim 5, Patel discloses the token monitor includes a criteria

evaluator that notifies the token monitor if said criteria is triggered (col 9,

lines 1-27).

11.   As per claim 6, Patel discloses the criteria evaluator includes a

calendar and said criterion triggered is a specific period including at least

one member selected from the group consisting of a certain day of a week

(col 8, lines 57-67; col 9, lines 1-9; lines 50-67), a certain day of a month

(col 8, lines 57-67; col 9, lines 1-9; lines 50-67) a certain month (col 8, lines

57-67; col 9, lines 1-9; lines 50-67); a certain week, or a certain number of

days (how long and how many times usage tracking anticipates week,

month, time and day, col 8, lines 57-67; col 9, lines 1-9; lines 50-67).

12.   As per claim 7 Patel discloses the criteria evaluator includes a counter

and said criterion triggered includes at least one number selected from the

group consisting of a number of user access, a number of files produced, a

number of files opened, a number of files saved, and a number of pages

printed (number of instance and usage, col 9, lines 42-67).

13.   As per claim 8, Patel discloses the criteria evaluator includes a timer

and said criterion triggered includes at least one time selected from the

group consisting of a time of day, a time interval in a day, and a specific

time on a specific day (Access token, col 9, lines 1-9, lines 42-67).

14.   As per claims 9 and 14, Patel discloses a secondary access database

that provides for token creation when initial allocated access sessions are

depleted (Access token, col 9, lines 1-9, lines 42-67).

15.   As per claim 10, Patel discloses a notification component to alert the

user when initial allocated access sessions reach a pre-selected level (when

to ask for the new token, col 9, lines 1-9).

16.   As per claim 12, Patel discloses the creation of resource access

sessions is based on user licensing criteria (Access token, col 9, lines 1-9,

lines 42-67)

17.   As per claim 13, Patel discloses the creation of resource access

sessions is based on application licensing criteria (Access token, col 8, lines

33-67; col 9, lines 1-9, lines 42-67).

18.   As per claim 15, Patel discloses the token generated enables resource

access for a segment of the whole resource access session (Access token,

col 8, lines 33-67; col 9, lines 1-9, lines 42-67, when to ask for new token).

19.   As per claim 16, Patel discloses generating a new token when access

for said segment is depleted and additional access remains in the whole

resource access session (Access token, col 8, lines 33-67; col 9, lines 1-9,

lines 42-67, when to ask for new token).

20.   As per claim 17, Patel discloses notifying the specific user (col 54, lines

12-18) when initial resource access sessions reaches a pre-selected level

(Access token, col 8, lines 33-67; col 9, lines 1-9, lines 42-67, when to ask

for new token); and

       renewing by the specific user said initial resource access sessions

(Access token, col 8, lines 33-67; col 9, lines 1-35, lines 42-67).

21.   As per claim 18, Patel discloses the specific user utilizes a secondary access sessions (Access token, col 8, lines 33-67; col 9, lines 1-35, lines 42-67).

22.   As per claim 19, Patel discloses monitoring a license criterion of said token (Access token, col 8, lines 33-67; col 9, lines 1-35, lines 42-67); and

        terminating user access when said license criterion is triggered (Access token, col 8, lines 33-67; col 9, lines 1-35, lines 42-67).

Conclusion

23.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

        U.S. Patent 6,513,121

   U.S. Patent 6,728,766

        U.S. Patent 6,546,002

24.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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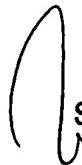
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